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THE RANDOLPH MANUSCRIPT.

VIRGINIA SEVENTEENTH CENTURY RECORDS.

From the Original in the Collection of the Virginia Historical Society.

(CONTINUED)

ORDER IN REGARD TO PAYMENT OF LIEUTENANT GOVERNOR,
DECEMBER 10, 1682.

Charles R.

Whereas we are willing in the best Manner to provide for the best Support of our Colony and the Government thereof by setting apart Sufficient allowances to such as shall be our Lieut. Governor or Commander in Chief residing for the time being within the same, Our Will and Pleasure therefore is, that when it shall happen our Governor in Chief shall be absent from that Our Colony, one full Moyety of the Salary and all Perquisites and Emoluments whatsoever, which would otherwise become due unto him during the time of his Ab-

sence shall be paid and Satisfied out of our Revenue of two shillings per Hogshead upon Tobacco unto such Lieut. Governor or Commander in Chief who shall be resident upon the Place which we do hereby Order and Allot unto him for his better Miantenance and Support of the Dignity of our Government, And we do hereby further direct that this Signification of our Pleasure be ent'red in our Registers of Council and Assembly of our said Colony, And that the Collectors Receivers and Auditors of our said Revenue and all Persons whom it may concern take due Notice thereof and govern themselves accordingly in the Discharge of their respective Trusts Given at our Court at Whitehall this Tenth Day of December 1682 and in the 34 Year of our Reign.

By his Majesty's Command

L. Jenkins.

March 13th 1682-3

Presented to the Council

by his Excellency.

INSTRUCTIONS TO LORD CULPEPER, DEC. 15, 1682.

Council Seal

Charles R

Instructions for our Right Trusty and well beloved Thomas Lord Culpeper our Lieut. and Governor General of our Colony and Dominion of Virginia and in his Absence to the Commander in Chief of our said Colony.

Whereas we have taken Notice that in Several Laws passed in our Colony of Virginia for levying Money and inflicting fines and penalties, the said Levies fines and Penalties have been raised and appropriated to some Uses without any mention made of us in the grant¹ and Applications of the

¹Before 1680 the enacting clause of laws passed by the Virginia legislature was generally "by the governor, Councell and burgesses of the grand Assembly," but, sometimes, "by this grand Assembly" alone. In and after 1680, "King" was added to the enacting clause.

same, which is a Method derogatory of our Right of Sovereignty and not fit to be allowed by us, Our Will and Pleasure therefore is, That no Act or Order be passed within that our Colony in any case whatsoever for the raising Money or the Value of Money, Whereby the same shall not be given or granted to us as by the said Act or Order shall be directed accordingly to the Stile of Enacting Laws within our Kingdom of England and we do Particularly require and Comand that no Money or Value of Money whatsoever be given or granted by any Act or Order of Assembly to any Governor or Commander in Chief which shall not according to the Stile of Acts of Parliament in England be mentioned to be given and granted to us with the humble desires of such Assembly, that the same be applied to the use and behoof of such Governor or Commander in Chief if we shall so think it fit, or if we shall not approve of such Gift or Application that the said Money or value of Money be disposed and appropriated to such uses as in the said Act shall be mentioned And that from the time the same shall be raised it remain in the hands of the Receiver or Treasurer of that our said Colony, Until our Royal Pleasure shall be known therein and you are to cause an Entry hereof to be made in the Registers Office of our Council and Assembly in that our said Colony for the better information of all such whom it may concern. Given at our Court at Whitehall the fifteenth day of December 1682 in the thirty fourth year of our Reign.

By his Majesty's Command

— L Jenkins.

EXTRACTS FROM COUNCIL AND GENERAL COURT RECORD,
1682-1684.

Charles 2d by his Letter dated 10 December 1682 declares his Pleasure that in the Absence of the Governor in Chief, one half of the salary and of all perquisites and Emoluments whatsoever should be paid to the Lieut. Governor or Commander in Chief out of the Revenue of 2s. p. Hhd. upon Tobacco.

March 13, 1682.

Lord Culpeper Communicates the King's Order in Favour of Thomas Sands to the Council to which the Council Answer and desire the Governor to represent to his Majesty that the Allegations and Affidavits of Mr. Sands of the usage of Virginia for reallowing the Country duty of two shill p. hh'd upon Tobacco in Case of Losses by Capture or otherwise are wholly mistaken and the Matter of Fact very wrong Represented to his Majesty for that was never promised, but once many Years by one of the Collectors here by mistake, and the constant usage of Virginia was before and hath been ever since quite Contrary besides which there are many of his Majesty's good Subjects both here and in England in the like Condition whose Cases will be full as hard and the Merits as great as that of Mr. Sands who out of Modesty would not disturb his Majesty and Government with unnecessary Clamours, but will at least reasonably expect the same liberty, whereby great sums will be issued and the Revenue totally exhausted for which reasons they hope his Majesty will be fully satisfied and they desire his Excellency to suspend the Execution of the Order.

The Council Unanimously acquaint the Governor that it hath been always the Custom of Virginia for the Sherif of James City County to impanel Grand Juries of the most able and discreet Men in Town and that the Grand Juries were Never returned Summoned out of any Particular County therẽfore they advise the Governor that the same Method may be observed in the Trial of the Present Criminals.

April 16. 1683.

Mr. Henry Whiting² called before the Lord Culpeper

²On account of the destruction of the records of Gloucester county, no complete account of the Whitings during the Colonial period can be obtained. A James Whiting and others of the name lived in Virginia early in the seventeenth century, and may have belonged to this family, but the first who is known to have lived in Gloucester was "Mr. Henry Whiting," who brought a suit in the General Court in 1670, in right of

and Council and accused that he had in the Session of Assembly 1682 said if Care was not taken to make a cessation we must all go a Plundering with other such like which being Proved by One Witness the Board Orders that he be suspended from exercising any office Civil or Military till his Majesty's Pleasure be known to whom the accusation should be transmitted and that he enter into Bond with good and sufficient Security for his good Behaviour.

his wife Apphia, widow of Richard Bushrod, of York county. In February, 1671-2, he is mentioned in the records of York county as "Dr. Henry Whiting" of Gloucester. In 1680 he was a justice of the county and major of horse in the militia; appointed member of Council 1691, and Treasurer of Virginia July 5, 1692-3.

At "Highgate," in Gloucester, is the tomb of Catherine, wife of Major John Washington and daughter of Col. Henry Whiting, and Elizabeth his wife. She was born May 22d, 1694. It is not known whether this was the same as Henry Whiting of the Council. The tomb bears Arms: *On a Chevron, between three wolves heads erased, three trefoils.* Crest: *A wolf's head (?) erased.* These arms must be intended for Whiting; but there is no coat like this ascribed to Whiting in the ordinary books of heraldry.

About the date of the birth of Catherine Whiting must have occurred the marriage between one of the family and one of the co-heiresses of Peter Beverley, Esq., of Gloucester. There is on record in Middlesex county a deed dated October, 1744, from Ann, widow of Henry Whiting of Gloucester, and eldest daughter and co-heiress of Peter Beverley, Esq.; Dame Susanna Randolph, widow of Sir John Randolph, and Peter Randolph, of Henrico, eldest son of Elizabeth, late wife of William Randolph, of Henrico, said Elizabeth being second daughter of said Peter Beverley, of the 1st part; Thomas Whiting the elder, and Bayly Seaton, of Petsworth parish, Gloucester, of the 2d part, and Henry Whiting, of Middlesex, gent, and Joyce his wife, of the 3d part. It is probable that Thomas Whiting, the elder, was eldest son of Henry and Ann Whiting.

Francis Whiting was sheriff of Gloucester, 1718. Francis, son and heir of Francis Whiting, deceased, had a grant of land in Gloucester, 1723. Henry Whiting was sheriff of Gloucester 1723. Peter Whiting, sheriff of Gloucester, 1727. Mathew Whiting, sheriff of Gloucester, 1741.

Beverley Whiting was member of the House of Burgesses from Gloucester County continuously from May, 1740, to October, 1754, inclusive, and died soon after the last date. Thomas Whiting was Burgess for Gloucester from 1755 to 1776, inclusive, member of the Conventions of

April 16. Lord Culpeper's Commission being dated November 27, 1682.

May 22, 1683. Ordered that no Patents be thereafter granted for Lands in the Northern Neck the same being Granted by his Majesty to several Patentees and whereas the Estate of Edward Husband convicted of Murder and executed was granted to his Widow which was irregular (All fines

May and December, 1775, of May, 1776, and of the State Naval Board. Thomas Whiting lived at Gloucester Town and at "Elmington." In Biglow's Life of John C. Fremont (Thomas Whiting's grandson) a copy of the will of Thomas Whiting is given with some extracts from a fragment of a register of Abingdon parish, then at Gloucester Court-house. In his will, dated October 15, 1780, Thomas Whiting gives his son Thomas (who was ancestor of the Whitings of Hampton) the land be purchased of Joseph Devenport and Edward Howe, 600 acres in Abingdon parish, also his lots and houses in Glostertown; to sons Henry and Horatio, two plantations in the same parish called Hackney and Rumford, including the land purchased of William Sawyer and Robert Coleman's estate jointly with Col. Warner Lewis; wife Eliza to take her dower in the lands devised to Henry and Horatio and not in those devised to Thomas; to son Thomas 30 slaves, the Coachman Peter and his (Peter's) boy Dunmore; to daughter Sarah Whiting 15 slaves; to daughter Catherine Whiting 15 slaves; to daughter Eliza L. Whiting 15 slaves; rest of slaves and wife's dower (at her death) to be equally divided between five youngest children, Henry, Horatio, Susanna, Jane and Anne; to son Thomas, gun, sword, books and several horses; friend Charles M. Thruston guardian to Thomas and Eliza; to grandson Thomas Hubard, all testator's lands in Petsworth parish, rest of estate equally between children, Thomas, Henry, Horatio, Sarah, Catherine, Eliza T., Susanna, Jane and Ann. Wife, C. M. Thruston, John Page of Rosewell, and Warren Lewis, Jr., executors.

Biglow states that Col. Thomas Whiting married three times and had fifteen children, eight surviving him. His last wife was Elizabeth Seawell.

In 1810 in pursuance of a chancery suit portions of his estate were divided between John Lowry and Susanna, his wife; John C. Pryor, adm'r of Henry Whiting, deceased; John Pryor and Ann, his wife, and Charles Grymes and Jane, his wife. It appears from the papers in a chancery suit, now at Williamsburg, that of Thomas Whiting's children Susanna married first, in 1786, Gibson Cluverius, and secondly, in 1792, John Lowry; Anne Beverley married John Pryor (and afterwards M. Fremont), and Jane, Charles Grymes.

Forfeitures &c being granted to the said Patentees, but at the desire of the Council the Lord Culpeper Confirms that Grant, so as no disposal be thereafter made by that Board of any thing granted to the said Patentees.

May 22. Lord Culpeper issues a Proclamation Publishing his design suddenly to repair to England to his Majesty's Royal presence to render him an Account thereof and declaring that by his Patent and Instructions the Council of Virginia in his Absence are to take upon them the administration of the Government and the Eldest Councillor to preside in the Council with such Power and Preeminences as any former President hath used and enjoyed until his Return or his

The extracts from the Abingdon Register are as follows:

- 1732. Major Peter Whiting was buried February 28.
- 1735. Mary, daughter of Beverley, born December 22, and baptized January 12, 1739 (?).
- 1735. Mary, daughter of Francis Whiting, born April 20.
- 1744. Eliza, daughter of Thomas and Eliza Whiting, born November 29.
- 1738. Ann, daughter of Thomas Beverley Whiting, born December 22.
- 1746. Anne, daughter of Thomas and Eliza Whiting, born August 22.
- 1747. Mr. Francis Whiting married Mrs. Frances Perrin, January 24.
- 1749. Mrs. Elizabeth Whiting died April 20.
- 1655. Mr. Beverley Whiting died.
- 1756. Beverley, son of John and Mary Whiting, baptised October 18.
- 1758. Beverley, son of Thomas and Elizabeth Whiting, born March 10, and was buried October 24, 1759.

Henry Whiting, said to be son of Francis Whiting and Miss Perrin, his wife, and grandson of Henry Whiting and Ann Beverley, was born December 19, 1748. He married first Ann Fairfax Carlyle, and secondly Elizabeth Braxton, and was ancestor of many of the name in Clarke county, Va., and elsewhere. His will was dated October 27, 1786, and proved in Frederick county June 5, 1787; his legatees were his sons Carlyle Fairfax Whiting, George Braxton Whiting and Francis Beverley Whiting, wife Elizabeth, and daughter Mary Blair Whiting; executors, brother Francis Whiting and Warner Washington, Jr.

For data in regard to the Whitings, see Horner's *Blair, Braxton and Banister Families*, pp. 176-200; Hayden's *Virginia Genealogies*, 178, 193-195, 479.

Majesty's Pleasure known therein. And that the Execution of these powers and the Execution of the Authorities therein contained is in the President and Council and that Secretary Spencer is president therefore requires all due Obedience to them.

May 22 his Lordship issues another proclamation declaring that whereas many evil disposed Persons Inhabitants of this Colony contrary to their duty and Allegiance on the first day of May in the 34th of the King's Reign and since tumultuously and Mutinously assembled and gathered together Combining and presuming to reform this Government by cutting up Tobacco Plants and to Perpetrate the same in a traiterous and rebellious Manner with force and Arms entred many Plantations resolving by open force a General and Total destructions of all Tobacco Plants to the hazarding the Subversion of the whole Government and the Ruin and destruction of his Majesty's good Subjects if they had not timely suppressed for which Treasons and Rebellions against his Majesty and this Government some Notorious Actors had been Indited Convicted and Condemned and Suffered such Pain and Punishment they deserved for their Treason and Rebellion—and for as much as many People had been seduced from their Allegiance by the Specious tho' false pretences of the designers and Contrivers of those Crimes Misdeeds Treasons and Rebellions who had since * * * [illegible] their Sorrow by their Doleful demeanor therefore he declares that every who had engaged with or adhered to these Traiterous and Rebellious Plant Cutters in the Year 1682 first taking the Oath of Allegiance mentioned in the Act of Parliament 3'd Jacob. before 2 Justices of the Peace whereof one to be of the Quorum or in Open Court shall be pardoned and forgiven all the Treasons and freed from all punishments and forfeitures for or by reason of the same except Richard Bayly lately convicted and condemned for the same John Haley Henry Inman and John Wise who are fled not daring

to abide their Legal trials Robert Beverley John Suckler and Thomas Amis.

May 23, 1683.

There being two of the Council dead since the Lord Culpeper's Arrival Viz't: Colo. Kemp and Sir Henry Chicheley And Col'o. Custis being unable to attend by reason of sickness and Major General Smith and Col'o. Ludwell being in England John Lear is sworn one of the Council.

It is proposed that his Majesty be supplicated to allow his Attorney General 20 £ Yearly out of fines and Forfeitures since 1680 he being allowed nothing from the Assembly for his Service since that and so forwards and the Governor and Council allow him 20 £ out of the 2s. p. hhd. for his Extraordinary Service last Year. Auditor Bacon Ordered not to pay any sum exceeding 5 £ besides the Governor's dues, the Councillors' Salary * * * [illegible] money and Mr. Blathwayt.

Thomas Amis Ordered to give Security to appear at the General Court to answer such things as shall be objected against him.

Somerset Davis³ and Bartholomew Austin being convicted of Treason and executed the Council declare that their Estates ought to satisfie all fees and they order that the Sherif of Gloster pay Edward Chilton 4300 L Tobacco and Cask being fees justly due to him as Clerk of the General Court and the rest to be paid to Auditor Bacon for the use of his Majesty and the defraying other Publick Charges.

Lord Culpeper Communicated to the Board an Instruction from his Majesty which directed and Appointed that no Appeal should be permitted from any Order of the Governor and Council to the Assembly as formerly and usually, nor to his Majesty in Council (a Rule futurely to be observed) un-

³Davis and Austin were probably executed for plant-cutting.

der the Value of 100 £ Sterling the Council unanimously return his Majesty most humble thanks for his Care therein and withal most humbly propose having duly considered what great inconveniences Appeals have and may produce by constraining several honest and Indigent Persons to be deprived of their just Rights and dues until the appeals be determined which in all probability cannot be expected in less time than a Year that his Majesty would be pleased to Order that no Appeal be Suffered or allowed from an Order of the Governor and Council under the Value of 200 £ Sterling and that immediately Execution may issue on the aforesaid Order of the Governor and Council if desired before his Majesty's Determination and that the Appellant give Bond with good Security for the payment of the Judgment with double damages if his Majesty confirmed the Judgment, And it is further proposed that his Majesty should Order Proclamation to issue signifying his Will and Pleasure that all Appeals from the General Court depending before the Assembly should be heard before the Governor and Council.

The Governor commands the Council to return their answer to his Majesty's Letters and Inquiries reminding them of their Neglect And upon reading their Answer was dissatisfied that they desired his Majesty to direct all Escheats, &c., towards the Support of the Government saying his Majesty had by his Letters Patents confirmed the said to his Excellency commanding the Council in his Majesty's Name that if he had in the least misbehaved himself in any respect in his Government since his Entry thereon that they would represent the same to his Majesty.

May 29, 1683. Lord Culpeper issues Commissions to the Sherifs to receive one Years Quitrents and to require the Light of every Person's Patents Deeds and Conveyances and when receiv'd to pay the same to Secretary Spencer and also to produce to Mr. Auditor Bacon on the Second day of April

General Court a Compleat with Mr. Secretary's Receipt for the Quitrents.

The Act (disapproved) for Towns, by the Lords of the Committee for trade and foreign Plantations upon a Report from the Commissioners of the Customs that it was impracticable and they propose that it should be refered back to the Lord Culpeper and be taken into Consideration by the Council and Assembly of Virginia in Order to the framing such an Act as might be more practicable and useful and not prejudicial to his Majesty's Custom and that in the mean time such part of the Act as concerns the time wherein the same is to take Place as to the Landing of goods and Shipping Tobacco be immediately suspended until his Majesty's further Order which Report his Majesty approved in Council December 21, 1681.

Captain John Custis on behalf of the Parishioners of Hungar's Parish summon'd the Church Wardens to appear the Second day of the General Court for breach of the Laws and Canons of the Church of England for continuing Church Wardens beyond the time limited by the Canons and for removing the Church without the consent of the Parish and the Defendants appeared and objected to the process it not being entered into the Secretary's Office and therefore prayed the Suit might be dismist to which the Complainant replied that the process was lawfull the Governor's Citation being sufficient in Parochial and Church Affairs he having the same Power and Authority in this Colony in Ecclesiastical Affairs as any Bishop in England hath in his Diocess And this Matter being seriously considered and Maturely weighed the Council are of Opinion that the Process was good and the Governor only head of the Church and therefore sole Judge in all Ecclesiastical Parochial Affairs and that the Council have nothing to do in it. Whereupon the Governor desires the Assistance of the Council—and Orders an Examination of Witnesses in the Country.

June 11th, 1683.

Nicholas Spencer, President.

A Sloop maintained at the Charge of the Country commanded by Roger Jones.⁴

September 17, 1683.

A meeting of the Council about the Seneca Indians. Rangers appointed

Lord Effingham appointed Governor of Virginia by Patent dated 28 September, 1683, published April 15, 1684.

September 29. Joanna Hardy convicted of Murder reprieved she being with Child.

November 22, 1683. Colo. Byrd sent to treat with the Senecas in Pamunkey Neck.

November 29, 1683. Whereas on the 13 of March 1682 his Excellency Lord Culpeper and Council to preserve the dominion of the water as the best and only means to prevent all Commotions Turmults and disturbances on Land and to secure the trade against Pirates fitted and Equipt a Sloop mounted with Guns and Men to cruise about the Capes (at their

⁴Roger Jones was born about 1621-35, married first Dorothy, daughter of John Walker, Esq., of Mansfield, county Nottingham, England, and second ———; but probably had no issue by second marriage. He came to Virginia with Lord Culpeper and commanded a sloop fitted out by that Governor to attack pirates. He died at Stepney, near London, in 1701, and was buried on January 6, at Mansfield, by the side of his first wife. His will was dated October 17, 1701. He was ancestor of Dr. Walter Jones, member of the Continental Congress; Meriwether Jones, editor of the Richmond *Examiner*; Skelton Jones, who succeeded him on the *Examiner* and was a continuator of Burk's History of Virginia; Major General Roger Jones, U. S. A.; Commodore Thomas ap Catesby Jones, U. S. N.; Captain Catesby ap Roger Jones, C. S. N.; Brigadier General Roger Jones, U. S. A., and the distinguished lawyer, General Walter Jones, of Washington, D. C.

See *Captain Roger Jones of London and Virginia and Some of His Antecedents and Descendants*, by Judge L. H. Jones, Albany, N. Y., 1891.

Charge) till his Excellency's return which Vessel not answering the Expectation and Design the Sloop is paid off and discharged Many incursions made by the Northern Indians during this Presidentship.

January 23, 1683.

At a Court held at Whitehall

Present

The King's most Excellent Majesty

Lord Keeper	Earl of Craven
Lord Privy Seal	Earl of Nottingham
Lord Chamberlain	Earl of Rochester
Earl of Huntingdon	Lord Bishop of London
Earl of Bridgwater	Mr. Secretary Jenkins
Earl of Peter Borrow	Mr. Chancellor of the Exchequer
Earl of Chesterfield.	Mr. Chancellor of the Dutchy
Earl of Bath	Mr. Godolphin

It was this day ordered by his Majesty in Council that no Appeals for the future admitted at this Board from any of his Majesty's Plantations unless their be sufficient Security first given by the Appellants as well as this Board as in the Respective Plantations to prosecute their Appeals Effectually, and to stand the award of his Majesty in Council thereupon.

Phil. Loyd.

Recorded November 2'd

W E Clerk Council

February 21, 1683.

Lord Howard Sworn Governor and his Commission Published.

Issues a Proclamation to continue all persons in their Offices
—Summons an Assembly to meet 16 April, 1684.

Charles the Second by the grace of God King of England Scotland France and Ireland Defender of the Faith &c. To Our Right Trusty and well beloved Thomas Lord Howard

of Effingham, Greeting: Whereas by an Inquisition taken in our Country of Middlesex the Sixteenth day of August last past in pursuance of our Commission bearing date the second day of the said Month and now both remaining upon record in our high Court of Chancery, It appears, that Thomas Lord Culpeper has forfeited the Office of our Lieut and Governor General of our Colony and Dominion of Virginia and all his Right, Estate, Title and Interest therein with the Sallary and Perquisites thereunto belonging which now remain in our hands to be disposed of. And we being willing to give all protection and Encouragement to our Subjects within our said Colony and Dominion of Virginia in America, and to provide in the most Effectual Manner for the Security and good Government thereof. Know ye therefore &c. [Rest omitted in Randolph MS.]

Sarah Blands.⁵ Commission read together with his Majesty's Order in Council commanding the appearance of Colo. St. Leger Cod and Anna his Wife before his Majesty in Council to answer the Complaint of the said Sarah Bland—ordered that St. Leger Cod appear personally before the Governor and Council then and there to answer the Suit petition and what else shall be objected against him by Mrs. Bland.

King Charles 2'd 12 day of March 1683 in the 36th Year of his Reign issues a proclamation to this effect, Where as the Safeguard and Protection we owe to such of our Subjects and to all others in League and Amity with us as pass and repass the Seas belonging to these our Kingdoms hath always been a part of our Royal Care and Concern and we find that the freedom and Security of Commerce and Navigation to and from our Ports in time of hostility between our Neigh-

⁵St. Leger Codd had married the widow of Theoderick Bland, who had been representative of Giles Bland. Sarah Bland was widow of John Bland, of London, who had owned a large estate in Virginia.

bour Princes hath been much disturbed by the Piratical Practices depredations and insolencies of Pirate men of War and others pretending Commission for the present Hostilities we have thought fit by the Advice of our Privy Council after an Exact View first taken of the Rules Ordinances and Provisions made upon the occasion by our Royal Progenitors and our self to receive satisfy Publish and Ratify and Establish to all the World these Rules following:

1. That no force Violence surprize shall be done therein from any Ship to another who happen to be in hostility in our Ports but there shall be an inviolable truce and cessation from all hostilities and the Ships of all Nations in those Parts be reputed under our immediate Protection—the goods of Aggressors to be confiscate.
2. Men of War forbid to rove so near our Coasts as to give any occasion of fear to our Merchant Ships
- 3'd. Where Ships of War of one Party come into our Ports—where there are Merchant Ships of another Party such Merchants Ships shall depart two tides before the Ship of War and where two Ships of War of Contrary Parts happen to come into our Ports they shall not go out the same tide but those who are most likely to engage shall be detained two tides after the other.
4. That Vice Admirals and all other Officers visit Ships victualling in any of our Ports and detain such as they suspect going on any other Voyages than trading and fishing Voyages.
5. Private Men of War Sailing by foreign Commission not to be Suffered to sell any of their Prizes in our Ports but be Suffered to depart peaceably unless they have the goods of Subjects and them to be restored to the Owners.
6. Subjects forbid to trade or deal with any foreign Men of War or other Persons coming from Sea and not being a known Merchant for Wares Merchandizes Victuals Ammuni-

tion Tackle Furniture provisions or goods whatsoever not brought in by course of Merchandize, upon pain of forfeiting all such goods and Merchandize as bona Piratrum and of being further proceeded against as Abettors and Complices of Pirates.

7. Subjects forbid without license to sail in any foreign Service whether Martial or Merchant Service and all Persons in such Service Commanded to return upon pain of being reputed Pirates and Punished as such.

April 15, 1684.

The Estates of Felons applied to pay the Attorney General Clerk of the General Court Jurymen Sherifs and Evidences and all other fees whatsoever.

April 29. Richard Bayly* convicted of high Treason (at this Bar) ordered to be executed.

May 9, 1684. Mrs. Sarah Bland this day presented a petition to his Excellency and Council which amongst many other things Comprehended that several Executions were lately levied on the Lands she was justly seized of for Debts due from her son Giles Bland and desired redress to which the Council unanimously offered their opinions that such Proceedings were irregular and contrary to Law and do therefore adjudge and Order all Executions levied as aforesaid to be Void and Vacated and do further Order that no Execution issue against the Real Estate of Sarah Bland widow for debts due from Giles Bland the Act of Assembly providing Priority of Payments to Country Creditors Extending itself solely to Personal Estates.

Robert Beverley being found guilty of high Misdemeanors upon an information Per the Attorney General his Judgment being respited and now asking Pardon on his bended Knees. his Crime is remitted giving Security for his good Behaviour.

*Richard Bayly was a plant-cutter.

May 10, 1684. Lord Howard in Council Orders Capt. Mathew Rider Commander of the Ship Barnaby to deliver to Nathaniel Macclanahan such Goods as he saved out of the ship rose and Crown before she foundered, as he shall make Oath did properly and Solely belong to him before Capt. Clements took the same from him.

May 10, 1684. Issues a Proclamation permitting the Exportation of Wheat and Meal.

May 15, 1684. Edward Rawleigh appointed Ferry Keeper over at James Town.

May 19. Guard of the King's Store at Middle Plantation disbanded.

June 17. Rangers appointed in the Frontiers.

A Survey Ordered in a Cause depending in the General Court.

Edward Alcock Presents a Petition to this Effect that by the last Will of Henry Smith dated 15 April 1684 duly proved by the Oaths of three Witnesses in Rappahannock Court the Petitioner was appointed and Nominated Co Executor of the Will with the Testators Relict Notwithstanding which by the Influence and prevalency of one of the Principal Members of the said Court it was the Judgment of that Court that the Executors nominated by the aforesaid Will should be constituted only Administrators with the Will annext and it was likewise the Judgment of the Court that Notwithstanding a Will duly proved before them they had Sufficient Authority within themselves to constitute Administrators and to Constrain Executors to relinquish their Right of Executorship upon which the Board passed this Judgment that Notwithstanding the said Will in few or no parts common sence Yet seeing the Intent of the Testator might Easily be collected from thence And that each of the Testator's Children may have the like and Equal Advantage of their Father's Will and the Eldest Son not only to be heir of his Father's Land, which consequently follows if the Order of Rapahanock Court con-

tinue of force for a Will void for part is void for the whole so the proceedings are set aside and the Petitioner's allowed to perform the Will.

Ordered that the King be supplicated that the Act for Cohabitation may be in force when * * [illegible] houses are built.

The act made the 20 of February 1676 Entitled An Act limittin times for Receipt of publick Tobacco repealed by Proclamation.

Edmund Jennings Esq'r Attorney General allowed 20 £ per Annum out of Fines and forfeitures.

June 18, 1684. Issues a proclamation requiring all grand Juries to make Enquiry into the Size of Tobacco Hhds. and whether the same be according to Law viz't. 43 Inches long and 26 over the head.

Lord Howard issues a Proclamation declaring that where-as the last General Court held in James City was on the 5th of May last adjourned to the 20th September according to the 19 Act of Assembly made in the Year 1662 ascertaining days for the beginning of the General Court and forasmuch as at an Assembly held the 16th of April last an Act was made and passed whereby the days for holding the General Court are altered pursuant whereto the next General Court is to be held the 15th of October.

Issues another Proclamation Prohibiting his Majesty's Subjects from trading Harboursing or Corresponding with Privateers 19th June 1684.

19th June Issues another Proclamation declaring his design to take a Journey to New York to make a Peace with the Northern Indians and that the Administration of the Government was to be in the Council and the Person first Named who was Nathaniel Bacon to be President according to the Kings Instructions.

Issues a Proclamation repealing Several Acts 19 June 1684.

PROCLAMATION REPEALING CERTAIN ACTS OF ASSEMBLY,
JUNE 14, 1684.

Virginia Sr. By his Excellency

A Proclamation repealing the five following Acts of Assembly:

Whereas his most sacred Majesty in Council was pleased to take under his most Royal Consideration the following Acts of Assembly of this his Dominion of Virginia Viz: An Act made at an Assembly held at Green Spring in Anno 1676-7 entituled an Act for laying Parish Levies—An Act made in Anno 1677 at an Assembly held in middle Plantation entituled an Act for signing Executions on Judgments passed by the grand Assembly; An Act made at an Assembly held at James City Anno 1683 entituled an Act Prohibiting the Exportation of any Iron, Wool, Wolfels, Skins hides or Leather; An Act made at an Assembly held at James City Anno 1683 repealing an Exception in the Ninth Act of Assembly made in the Year 1664 is by this Proclamation repealed and the Exception made in the Ninth Act of 1664 declaring the Inhabitants of James City County to be lyable to arrests in the General Court time continues and remains in force An Act made at an Assembly held at James City 1683 entituled an Act repealing the Sixth Act of Assembly of June 1680 about Attorneys the said Act of repeal is hereby repealed and the Sixth Act of Assembly made at an Assembly in the Year 1680 about Attorneys in revised and of full force and Strength as when first Enacted All which aforesaid five Acts of Assembly his Majesty in his Princely Wisdom hath found not only inconvenient but unfit to be longer continued and hath been pleased by his Royal Instructions to direct and Command me Francis Lord Howard his Majesty's Lieutenant and Governor General of this Dominion to repeal all and every the aforesaid Act and Acts

of Assembly, Pursuant whereunto I Francis Lord Howard Baron of Effingham his Majesty's Lieut and Governor General of Virginia do by this Proclamation in his Majesty's Name repeal and make void all the expressed Acts of Assembly and every Part and Clause thereof is from henceforth repealed, made Void, and declared Null to all intents and Purposes as if no such Act or Acts of Assembly had ever been made and Enacted, and I do by this Proclamation in his Majesty's Name, strictly Charge, Command, and require all Judges, Justices of the Peace, Sheriffs and other his Majesty's Subjects within this Dominion of Virginia to observe, keep and duly perform this Proclamation of Repeal, which to the Intent it may be the better made known and have his due observance all his Majestyes Sheriffs in their respective Counties are required to make Publication hereof at the first Publick Convention at their County Court house as also all Ministers in their Parish Churches, And whereas by this Proclamation the Sixth Act of Assembly made in 1680 entituled an Act ascertaining Attorneys fees is by his Majesty's special Command revived and in the full Strength and Sense of an Act of Assembly, And it being thereby ordered directed and appointed that no Person whatsoever shall be admitted to practice as an Attorney either in County Court or General Court but such as shall be first licenced by his Majesty's Governor and forasmuch as there are now many causes depending in the County Courts and General Court under the Management of Several Persons now Practicing as Attornies in which to the Interest none concerned in the Causes depending or Actions to be brought may want fitt and able attornies at Law to manage their Causes I have thought fit by this Proclamation to make known and declare that during my intended short time of Absence from my Government I have impower'd and directed Mr. Secretary Spencer to issue forth Commissions of Attornies at Law to fitt and able Persons

under such Considerations as I have given unto him; Given under my hand and the Seal of the Colony this 19th of June 1684.

Effingham.

To the Sherif of
or his Deputy.

God Save the King

(TO BE CONTINUED.)

VIRGINIA LEGISLATIVE PAPERS.

FROM THE ORIGINALS IN THE VIRGINIA STATE ARCHIVES.

CONTINUED.

RALPH WORMELY, JUR.,¹ TO JOHN GRYMES, ESQ'R.

Rosegill, April 4th, 1776.

Dear Sir

When you and Mr. Neilson returned from Norfolk, you informed me that Lord Dunmore, wished or expected or thought it my duty, that I should immediately in person repair to his Lordship: that some such ostensible mark of my

¹ Ralph Wormeley, Jr., of "Rosegill," Middlesex county, Va., son of Ralph Wormeley, of the same place, was born in October, 1744, and died January 19, 1806. He received his education in England—first at Eton, which he entered September 12, 1757, and afterwards at Trinity Hall, Cambridge. He was a retiring man of scholarly tastes, and seemed to prefer to lead a quiet life on his estate; but the great wealth and hereditary political influence of the Wormeleys brought him into public life, and in 1771 he was appointed member of the Virginia Council. He remained a member of this body until 1775, and when Dunmore left Williamsburg and hostilities commenced, was living quietly at Rosegill. The Governor requested Mr. Wormeley to attend him on shipboard, which he refused to do, but, unfortunately for himself, wrote a letter to his friend, John Randolph Grymes, Esq., then in active service under Dunmore, expressing his opinion on political questions. The letter was